IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO: 16159 of 2000

Between:

B.V.N.Ramesh Babu, S/o B.V.Subba Rao
R/o Radham Road, Podili, Prakasham District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary, Roads and

Buildings Department, Secretariat Buildings, Hyderabad.
2 The Superintending Engineer, Roads and Buildings Department,
Ongole, Prakasam District.
3 The Executive Engineer, Roads and Buildings Department,
Ongole, Prakasam District.
4 The Mandal Revenue Officer,
Podili, Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction, particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in marking half of the Building bearing D.No.5-179 (Old No.5-165) for demolition of the building and site situated at Podili, Prakasam District, as arbitrary, illegal, violative of principles of natural justice and also contrary to article 300-A of the Constitution of India.

Counsel for the Petitioner: MR.M.BRAHMA REDDY

Counsel for the Respondents: GP FOR R & B

The Court made the following:

ORDER:

This writ petition is filed seeking a writ of Mandamus, to declare the action of the respondents in making markings on the building bearing D.No.5-179 (Old No.5-165) situated at Podili Town, Prakasam District belonging to the petitioner for demolition of the same, as illegal and arbitrary.

It is the case of the petitioner that though he is the owner and possessor of the aforesaid house property, without initiating any land acquisition proceedings and in absence of any consent from him, markings were made on the said building for demolishing the same.

In the counter-affidavit, though it is stated that the petitioner encroached the road margin, which belongs to the Government, and constructed the said building, but, however, there is no dispute with regard to issuance of any prior notice and opportunity to the petitioner.

If the petitioner has encroached into the Government land and constructed the building, even then, prior to taking any steps for demolishing the said building, the respondents are bound to issue notice to the petitioner and opportunity of being heard.

In that view of the matter, I dispose of the writ petition directing the respondents not to demolish the aforesaid building unless the

petitioner is given prior notice and opportunity of being heard.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

_____ R.SUBHASH REDDY, J

30.06.2005

DR

To

1 The Secretary, Government of Andhra Pradesh, Roads and

Buildings Department, Secretariat Buildings, Hyderabad.
2 The Superintending Engineer, Roads and Buildings Department,
Ongole, Prakasam District.
3 The Executive Engineer, Roads and Buildings Department,
Ongole, Prakasam District.
4 The Mandal Revenue Officer,
Podili, Prakasam District.

5 Two C.Cs. to G.P. for R&B, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

6 Two C.D. Copies.

*Form-NIC-OGS/WP{**SAM**}*